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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PEREZ, ANGELICA

ART UNIT PAPER NUMBER

2684

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,409

Applicant(s)

BETHARDS ET AL.

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 07/21/2004 have been fully considered but they are not persuasive.

2. In the remark, the applicant argued in substance:

(A) On page 9, applicant argues, "access of real-time communication service via or 'by way of' the first subscriber".

In response to argument (A), the examiner points where real-time communication such "chat rooms" where other members of the group can engage in real-time communication when updating their member lists, "updating a list of group members" can be done through the group administrator and not necessarily through the server 170. Thus, the real-time updating communications is done via the "group administrator", "first subscriber".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Art Unit: 2684

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Waesterlid (Waesterlid, Anders; WO 01/65,807 A2).

Regarding claims 1, 10 and 19, Waesterlid teaches of a communication system, the communication system adapted to provide real-time communication service to a plurality of subscribers (figure 1, page 1, lines 15-20 and page 5, lines 6-8), a Method, apparatus (page 5, lines 1-2 and figure 2) and controller operating in accordance with a computer program embodied on a computer-readable medium (page 7, lines 27-32) for providing status information associated with a plurality of users comprising (abstract, and page 5, lines 1-2): providing a plurality of logon identifiers associated with a first subscriber (page 11, lines 17-21; e.g., "administrator" corresponding to a "first subscriber"), each of the plurality of logon identifiers corresponding to one of the plurality of users so that the plurality of users access real-time communication service via the first subscriber (page 1, lines 15-20; e.g., "chat rooms" providing real-time communication; 5, lines 17-20; where access is allowed through an "administrator" subscriber, "first subscriber"); monitoring status associated with the plurality of logon identifiers to provide status information (figure 9 and page 9, lines 21-29); and transmitting the status information associated with one of the plurality of logon identifiers to a second subscriber (page 11, lines 24-29), the second subscriber

Art Unit: 2684

having a contact list including the one of the plurality of logon identifiers (page 17, Appendix A, table 3, columns 6,7,...,n; where the member data contains the logon identifier; see page 15, lines 4-6).

Regarding claims 2, 14 and 20, Waesterlid teaches all the limitations of claims 1, 10 and 19. In addition, Waesterlid teaches where the step providing a plurality of logon identifiers associated with a first subscriber comprises providing one of a first name, a last name, a persona, an IP address, and a port number corresponding to one of the plurality of users (page 15, lines 4-6; where a first name was selected from the choices provided).

Regarding claims 3, 16 and 21, Waesterlid teaches all the limitations of claims 1, 10 and 19. Waesterlid also teaches where the step of monitoring status associated with the plurality of logon identifiers to provide status information comprises monitoring status associated with one of a first name, a last name, a persona, an IP address, and a port number to provide status information (page 15, lines 4-6).

Regarding claims 4, 12 and 22, Waesterlid teaches all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the step of monitoring status associated with the plurality of logon identifiers to provide status information comprises monitoring status associated with the plurality of logon identifiers to provide status information based on a registration (page 14, lines 2-5; e.g., "newly added ember").

Regarding claims 5, 13 and 23, Waesterlid teaches all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the step of monitoring status associated with the plurality of logon identifiers to provide status information comprises monitoring

Art Unit: 2684

status associated with the plurality of logon identifiers to provide status information based on a user input via one of an alphanumeric keypad, a numeric keypad, a touch-sensitive display and a microphone (page 15, lines 16-18; e.g., tactile and visual being selected from the choices provided).

Regarding claims 6, 15 and 24, Waesterlid teaches all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the step of monitoring status associated with a plurality of logon identifiers to provide status information comprises monitoring status associated with a plurality of logon identifiers to provide information indicating one of on-line, off-line, busy, away, on-the-phone, out-to-lunch, and nearby (figure 9; choices selected where "off-duty" corresponding to "away").

Regarding claims 7, 17 and 25, Waesterlid teaches all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the step of monitoring status associated with the plurality of logon identifiers to provide status information comprises monitoring status associated with a plurality of logon identifiers from a wireless device to provide status information, and where the wireless device comprises one a cellular telephone, a pager, and an electronic planner (page 5, lines 17-21; where the examiner has chosen cellular telephone, PDA, and pager from the selection provided).

Regarding claims 8 and 26, Waesterlid teaches all the limitations of claims 1 and 19. Waesterlid also teaches where the step of transmitting the status information associated with one of the plurality of logon identifiers to a second subscriber comprises transmitting information indicating one of on-line, off-line, busy, away, on-the-phone, out-to-lunch, and nearby to a second subscriber (figure 9).

Regarding claims 9, 11 and 27, Waesterlid teaches all the limitations of claims 1, 10 and 19. Waesterlid further teaches where the communication system is adapted to provide one of instant messaging service and group chat service to the plurality of subscribers (page 1, lines 15-16).

Regarding claim 18, Waesterlid teaches all the limitations of claim 10. Waesterlid also teaches where the apparatus is integrated into an Internet Protocol (IP) network, a General Packet Radio Services (GPRS) network, a 2.5G network, and a 3G network (page 16, lines 15 and 16; where the examiner selected IP network).

Regarding claim 28, Waesterlid teaches all the limitations of claim 19. Waesterlid also teaches where the medium comprises one of paper, a programmable gate array, application specific integrated circuit, erasable programmable read only memory, read only memory, random access memory, magnetic media, and optical media (page 8, lines 1-2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Application/Control Number: 10/034,409

Page 8

Art Unit: 2684

(Examiner)

Art Unit 2684

December 23, 2004